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OCT 29 2007

Atty. Docket No.: PC-1485

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: JILL M. CIELO  
Serial No.: 10/811,644  
Filed: 03/29/2004  
For: HAIR AND SCALP TOXIN REMOVER METHOD AND COMPOSITION  
Examiner: VENKAT, JYOTHSNA A. Group: 1615 Paper No:

ELECTION

Commissioner of Patents  
And Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted

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CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 3 pages

10/29, 2007  
Date

Brian S. Steinberger  
(Name of Person Transmitting Paper)

(Signature of Person Transmitting Paper)

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ELECTION

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Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed September 28, 2007, Applicant elects to prosecute with traverse Invention I, Claims 1-3, 13 and 14, drawn to a treatment formula, classified in class 424, subclass 401.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I, Claims 1-3, 13 and 14, drawn to a treatment formula, classified in class 424, subclass 401.

Invention II, Claim 4 is drawn to a method for making the treatment formula, classified in class 424, subclass 401.

Invention III, Claims 5-12 are, drawn to a method for using the treatment formula, classified in class 424, subclass 70.1.

Applicant agrees there are separate inventions however, applicant disagrees with the restriction requirement for several reasons. The Primary Examiner finds separate inventions in the claims 1-14.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

Atty. Docket No. PC-1485

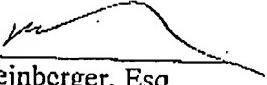
The examiner has stated that separate searches and separate examiners are not necessary to examine these inventions. Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If all Inventions I-III can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute the invention of Invention I, Claims 1-3 and 13-14 drawn to a treatment formula, classified in class 424, subclass 401 with traverse. If further restrictions are merited, please let us know to expedite the prosecution of the subject application.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:

  
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Date 10/29/07